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INFO RUCNASE/ASEAN MEMBER COLLECTIVE
RUEHGG/UN SECURITY COUNCIL COLLECTIVE
RUEHBY/AMEMBASSY CANBERRA 0915
RUEHNE/AMEMBASSY NEW DELHI 4475
RUEHUL/AMEMBASSY SEOUL 8006
RUEHKO/AMEMBASSY TOKYO 5567
RUEHGV/USMISSION GENEVA 3518
RHHMUNA/CDR USPACOM HONOLULU HI
RHEHNSC/NSC WASHDC
RUEKJCS/SECDEF WASHDC
RUEHBS/USEU BRUSSELS
RUCNDT/USMISSION USUN NEW YORK 1347
RUEKJCS/JOINT STAFF WASHDC

C O N F I D E N T I A L SECTION 01 OF 02 RANGOON 000125

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STATE FOR EAP, IO AND DRL
PACOM FOR FPA
US MISSION GENEVA FOR LABOR ATTACHE

E.O. 12958: DECL: 02/15/2018
TAGS: [ELAB](#) [PGOV](#) [PREL](#) [PHUM](#) [BM](#)
SUBJECT: NEGOTIATIONS ON FORCED LABOR AGREEMENT CONTINUE

REF: A. RANGOON 14

- [1](#)B. 07 RANGOON 1042
- [1](#)C. 07 RANGOON 721
- [1](#)D. RANGOON 76

Classified By: Economic Officer Samantha A. Carl-Yoder for reasons 1.4
(b and d)

[1](#)1. (C) Summary. The ILO continues to negotiate with the Burmese Government on the renewal of the ILO-GOB Forced Labor Mechanism Agreement, which will expire on February 26. The ILO is willing to extend the current agreement with no changes, providing the GOB meets certain conditions, including halting all harassment of forced labor complainants, allowing the ILO to travel freely throughout Burma without a GOB liaison officer, and permitting the ILO to establish a network of NGOs to facilitate the reporting of forced labor complaints. ILO Executive Director Kari Tapiola will visit Burma February 25-28 to either sign the agreement or continue negotiations. During his trip, Tapiola plans to meet with GOB, UN, and Diplomatic officials, visit Insein Prison to see prisoners including Su Su Nwe, and meet with the NLD Central Executive Committee. End Summary.

Negotiations Continue

[1](#)2. (C) The ILO-GOB Forced Labor Mechanism Agreement, which established a framework for the ILO and the GOB to coordinate and investigate forced labor abuses in Burma, will expire on February 26, 2008. The GOB has requested that the ILO extend the agreement for an additional year with no changes (Ref B). ILO Liaison Officer Steve Marshall told us that the ILO will agree to a one-year renewal, but only if the GOB agrees, in writing, to the following conditions:

--The GOB must allow the ILO to travel around Burma per the agreement, which includes free access to remote locations. Additionally, the GOB shall agree that ILO travel is not subject to the recent GOB guidelines for travel, which require all NGOs and UN organizations to request permission to travel at least two weeks in advance and submit a detailed

itinerary;

--The ILO may travel around Burma without a GOB liaison officer. If the ILO determines that it needs a liaison officer for security reasons, it will request one and cover all travel expenses;

--The GOB must ensure that the harassment provision in the original agreement is upheld. GOB officials, military offices, or USDA members should not harass anyone that files a formal forced labor complaint with the ILO;

--The GOB should approve the ILO-translated version of the Forced Labor Mechanism Agreement. Once approved, the ILO shall receive permission to distribute the document to Burmese people around the country;

--The GOB shall allow the ILO to produce a brochure about the provisions of the agreement and detailed instructions on how to file a forced labor complaint. The ILO will then distribute these brochures during its training seminars and investigation trips; and

--The GOB shall permit the ILO to establish a network of NGOs to facilitate the reporting of forced labor cases.

¶3. (C) In early February, Marshall met with the GOB's Working Group on Forced Labor, which includes the Deputy Minister of Labor and Director Generals from the Ministries of Home Affairs and Economic Development, the Attorney General's Office, the Adjutant General's Office, and the Supreme Court, to discuss the proposed conditions. Marshall emphasized to the Working Group that an extension of the agreement does not constitute an official Memorandum of Understanding, because the ILO is not yet convinced of the GOB's commitment to combating forced labor. If the ILO determines the GOB is not serious, it will end the agreement, Marshall said.

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¶4. (C) The GOB has yet to formally respond to the ILO, although Marshall expressed confidence that the GOB would agree because Burma's forced labor record will be on the upcoming ILO Governing Body meeting agenda. The GOB will not want to explain to the Governing Body why the ILO and GOB have yet to conclude negotiations on the mechanism, when the ILO has agreed to renew the document with no changes, Marshall asserted.

High Level Visit

¶5. (C) Marshall informed us that Kari Tapiola, ILO Executive Director, will travel to Burma February 25-28. While Marshall expects that the GOB will agree to extend the agreement in time for Tapiola's visit, Tapiola is prepared to continue negotiations with the GOB if necessary. According to Marshall, Tapiola will travel to Nay Pyi Taw on February 26, where he will meet with the Minister of Labor Aung Kyi, the Burmese Working Group on Labor, and perhaps the Prime Minister. He will return to Rangoon on February 27 and plans to meet with the NLD Central Executive Committee, relatives of the six labor activists arrested on May Day (ref C), and ILO facilitators. The ILO has also requested that Tapiola be able to visit Insein Prison to meet with the six labor activists, Min Aung, and Su Su Nwe (Ref D). Before departing Burma, Tapiola will meet with the UN Country Team and key diplomats, including the U.S., U.K., and China.

¶6. (C) The GOB has not yet approved all of Tapiola's meeting requests, and the ILO awaits confirmation on the meeting with the Prime Minister, as well as the visit to Insein Prison. The meeting with the Prime Minister is not a top priority, but Tapiola wants access to the labor activists currently held in Insein Prison, Marshall said. The ILO will continue to push for a response. According to Marshall, Tapiola will report on his trip to Burma during the ILO Governing Body meeting in March.

Comment

¶7. (C) If past practice holds, the regime will likely agree to Marshall's demands to avoid questions from the ILO Governing Body about its commitment to combating forced labor. Marshall wants access to the rest of the country, and has already begun testing the GOB by traveling without a liaison officer (to be reported septel). Marshall will keep pushing the regime to fully implement the existing mechanism before strengthening it. His ultimate goal remains persuading the GOB to take action against the main perpetrators of labor violations: the military.

VILLAROSA